

### REMARKS

Claim 21-40 are currently pending. Claims 1-20 have been deleted without prejudice or disclaimer. Claims 21-40 have been added. New claim 21 corresponds to claim 11 but is rewritten in independent form. Dependent claims 22, 23, 24, 25, and 26 essentially correspond to claims 2-6. Dependent claims 27, 28, and 29 correspond to claims 8, 9, and 10, respectively. Claims 30 and 31 are newly presented claims. Support for these claims are found, for example, in claims 3-9. Claims 32-40 essentially correspond to claims 12-20.

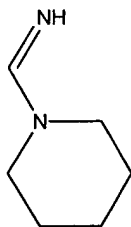
In addition, to clarify claim 21, it is implicit in claim 21 that when  $n$  is 0 and  $X$  is N, O or S, one of  $R^2$ ,  $R^3$ ,  $R^4$  or  $R^5$  is not present, as there would not be sufficient ring members for such substitution.

Support for the amendments made in the specification are as follows:

On page 3, line 16, the addition of “-NH-(C<sub>2</sub>-C<sub>6</sub>alkyl)-” for J finds support, for example, in original claim 10.

On page 5, line 12, the addition of “=NH, and -CH=NH” to  $R^9$  finds support, for example, on page 10, lines 4-11 in which =NH, and -CH=NH substituents are present on various cyclic groups.

On page 10, lines 5-11, the replacement structures find support, for example, on page 10, lines 4-11. The structures are essentially identical to the ones being replaced with the exception of



the addition of a connecting bond to which was inadvertently omitted in the previously filed preliminary amendment.

It is believed that no new matter has been added.

Claim Objections under 37 CFR 1.75(c)

Claims 13-20 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. This rejection is mooted by deletion of these claims. New multiple dependent claims 33-34 refer to claims upon which they depend in the alternative, and thus this objection does not apply to any of the new claims.

Claim Rejections under 35 U.S.C. § 112, second paragraph

The rejection of claims 10 and 11 under 35 U.S.C. § 112, second paragraph, as having insufficient antecedent basis is mooted by the cancellation of these claims. Rewritten claim 29 includes the B-J limitations objected to in claim 10, finds support in independent claim 21 where B is -C(=O)-NH-CH<sub>2</sub>- or -S(=O)<sub>2</sub>-NH- and J is CHR<sup>15</sup> where R<sup>15</sup> is C<sub>1</sub>-C<sub>12</sub> alkyl. Independent claims 21 and 30 now include the list of substituted heterocyclic groups formerly found in rejected claim 11. Thus, the antecedent basis rejections are not applicable to the new claims.

Claim Rejections under 35 U.S.C. § 102

The rejections of a) claims 1-3, 5-6, 9 and 12 under 35 U.S.C. § 102(a) as being anticipated by Poulain, *et al.*, (J. Med. Chem. 2001); b) claims 1-3, 5-6 and 12 under 35 U.S.C. § 102(b) as being anticipated by Collins, *et al.*, Chem. Abstract 229:216682; c) claims 1-3, 5-6, 8 and 12 under 35 U.S.C. 102(b) as being anticipated by Xu, *et al.*, Chem. Abstract 129:81705; d) claims 1-3, 5-6 and 12 under 35 U.S.C. 102(b) as being anticipated by Rowley, *et al.* (J. Med. Chem. 1997); and e) claims 1-3, 5-6 and 12 under 35 U.S.C. 102(b) as being anticipated by Payne, *et al.*, WO 96/32938; are moot as these claims have been deleted.

It is respectfully submitted that these rejections do not apply to the newly rewritten claims. The Examiner has indicated that claim 11 would be patentable if rewritten to include the limitations of any intervening base claims, in this case, claim 1, and if rewritten to address the indefiniteness rejection. As new independent claims 21 and 30 include the limitations in original claim 11, and the

indefiniteness rejection has been addressed as discussed above, new independent claims 21 and 30 and those claims dependent thereon should likewise be allowable.

Applicants appreciate the Examiner's indication that claim 7, which further defines R<sup>4</sup>, contains allowable subject matter. A portion of the definition of R<sup>4</sup> has been included in claim 30 and thus this claim, likewise should be allowable.

In addition, applicants appreciate the Examiner's indication that claim 10 would be allowable if rewritten to overcome the indefiniteness rejections. The limitations of claim 21 includes antecedent basis for the objected moieties in claim 10, and claim 10 has been rewritten as claim 29 which depends on claim 21. Thus, it is respectfully submitted that this claim is likewise allowable.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

In the unlikely event that the transmittal letter is separated from this request and the Patent Office determines that a fee is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952**, referencing docket no. 405422000600. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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